

AMENDMENT NO. ONE (1)
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF WINKELMAN

THIS AGREEMENT is entered into 10th February, 2003, Amendment Number 1, to JPA 01-114, AG Contract No. KR01-1514TRN, 03 October 2001, with the Secretary of State under No. 24931, is pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF WINKELMAN acting by and through its MAYOR and TOWN COUNCIL (the "Town").

THIS AMENDMENT is to amend the amount of funds available. The Central Arizona Association of Governments (CAAG) has increased the funding and Exhibit A attached hereto and by reference made a part of this Amendment.

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-6993(g) to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows

3. The State has approved the exchange of \$38,796.00 in Highway User Revenue Funds (HURF) to the Town for design of improvements to Thorne Avenue, and such funds will be repaid to the State by withholding from the Central Arizona Association of Governments (CAAG) federal funds and the obligation authority for federal funds in the amount of \$47,352.00.

4. The State has approved the exchange of \$219,848.00 in Highway User Revenue Funds (HURF) to the Town for the construction of improvements to Thorne Avenue and such funds will be repaid to the State by withholding from the CAAG federal funds and the obligation authority for federal funds in the amount of \$268,335.00.

#01
NO. 24931
Filed with the Secretary of State
Date Filed: 02/10/03

Janice K. Brewer
Secretary of State

By: Vicky D. Haenewold

II. SCOPE OF WORK

1. The Town will:

c. Invoice the State in an amount not to exceed \$38,796.00 for reimbursement for the costs of design.

2. The State will:

a. Within 30 days after receipt and approval of a design invoice, advance the Town HURF funds in the amount of \$38,796.00 for design.

b. Within 30 days after receipt and approval of construction invoices, advance the Town HURF funds in the total amount of \$219,848.00 for construction.

c. Withhold from CAAG, federal funds and the obligation authority of federal funds in the amount of \$47,352.00 for design.

d. Withhold from CAAG, federal funds and the obligation authority of federal funds in the amount of \$268,335.00 for construction.

All other terms and conditions of the original Agreement shall remain in full force and effect.

III. MISCELLANEOUS PROVISIONS

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Agreement Processing

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Winkelman
Town Clerk
206 Griffin Avenue
Winkelman, AZ 85292

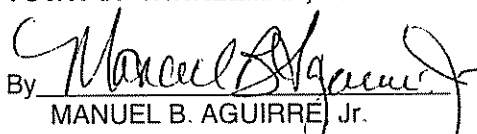
Invoicing and Approvals

Arizona Department of Transportation
Local Government Section
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF WINKELMAN, ARIZONA

By 
MANUEL B. AGUIRRE Jr.
Mayor

STATE OF ARIZONA

Department of Transportation

By 
Dale Buskirk, Acting Division Director
Transportation Planning Division

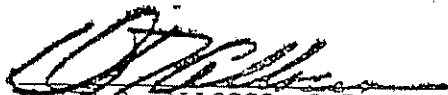
ATTEST

By 
SYLVIA KERLOCK
Town Clerk

RESOLUTION

BE IT RESOLVED on this 22nd day of July 2001, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona, that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Winkelman for the purpose of defining responsibilities for the exchange of HURF funds for improvements to Thorne Avenue.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of Transportation Planning for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

REGULAR COUNCIL MEETING
WINKELMAN TOWN COUNCIL
MONDAY, JANUARY 13, 2003
TOWN HALL COUNCIL CHAMBER

MINUTES

1. CALL MEETING TO ORDER

Vice-Mayor Hinojos called the meeting to order at 7:00 p.m.

2. SALUTE THE FLAG

3. ROLL CALL

Present: Vice-Mayor Anita Hinojos
Council Member Doyle L. Carter
Council Member Louis C. Bracamonte

Absent: Mayor Manuel B. Aguirre, Jr.
Council Member Henry M. Ortiz

Staff: J. Dec Flake, Town Attorney
Sylvia Kerlock, Town Clerk
Acting Fire Chief, Henry Bravo
Heather Lippert, CAAG Staff

Guest: Mary Ann Moreno, Director Globe/Miami Chamber of Commerce
Brian Hastly, Arizona Department of Health Services

4. APPROVAL OF MINUTES

A. Regular Council Meeting, Monday, December 9, 2003. Council Member Bracamonte made the motion to approve these minutes as recorded. Council Member Carter seconded the motion and it was carried unanimously.

5. 2003 CDBG PUBLIC HEARING #2, ACTIVITY PROPOSALS

Heather Lippert, CAAG Staff, appeared before the town council. Ms. Lippert informed the town council of projected CDBG funds available for FY 2003, which will be about \$280,000.00. Vice-Mayor Hinojos stated that the feed back she had received from the Mayor and other council members were that they would like to see construction of sidewalks. Another project would be the remodeling of the United Steelworkers Building on Quarelli Street, into a community center. Clerk Kerlock advised the town council that the town did not have ownership of this building at this time. Clerk Kerlock stated that maybe the Town Council would consider a street improvement project, which would be the next phase to the town's drainage study. Also, she has a list of about ten home owners that have called her office and requested for the town to apply for Housing Rehab.

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Clerk Kerlock asked, "Ms. Lippert if through the State's Special Funding, could the town apply for funding to fence the entire public park?" Ms. Lippert stated that at this time funding is limited and it would be best to apply at the next round, which we could apply later on this year.

It was the consensus of the Town Council Members to apply for CDBG Funding in FY 2003 for the following activities:

1. Sidewalks
2. Street Drainage Improvements
3. Housing Rehab

6. COMMUNICATION & PETITIONS

A. Brian Hasty, Arizona Department of Health Services. Mr. Hasty appeared before the town council and presented the final report of a public health assessment. This study evaluated, whether a health hazard exists as a result of exposures to the air, water or soil in Hayden and Winkelman, Arizona, due to the mining industry in the area. The report found that outdoor air in Hayden and Winkelman area, meets all federal and state air quality standards for air pollutants including sulfur dioxide. There may be brief periods when short-term levels of sulfur dioxide in air approach levels that may affect persons with asthmatics and sensitive airways. The health department recommended exploring the development of a system that would provide access to current air quality data by asthmatics and other persons with sensitive airways in these communities. Mr. Hasty handed out a copy of this report to members of the town council, staff and public present.

Vice-Mayor Hinojos thanked Mr. Hasty for his service and presentation.

7. MARY ANN MORENO, DIRECTOR GLOBE-MIAMI CHAMBER OF COMMERCE & ECONOMIC DEVELOPMENT CORPORATION

Ms. Moreno appeared before the town council members and explained the purpose of this organization and the fundamental tasks that it has set out to accomplish. Their main object is to support existing business, pursue diversified economic development and attract visitors and new residents to the communities of Southern Gila County.

A. Resolution No. 21-2003, Supporting the Renewal of the Enterprise Zone. Town Attorney Flake read the resolution as presented and made one correction. Council Member Bracamonte made the motion to authorize the adoption of this resolution with the correction and removal of the word "and" on the third paragraph of this resolution. Council Member Carter seconded the motion and it was carried unanimously.

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B. Intergovernmental Agreement between Winkelman and Gila County as Enterprise Zone Designation. Council Member Bracamonte made the motion to approve acceptance into this IGA designating Winkelman and Gila County as Enterprise Zone and authorizing Vice-Mayor Hinojos to endorse the agreement in the absence of Mayor Aguirre. Council Member Carter seconded the motion and it was carried unanimously.

8. ARIZONA DEPARTMENT OF TRANSPORTATION AMENDED CONTRACT FOR THORNE AVENUE HURF EXCHANGE PROJECT

Attorney Flake questioned the difference in the amount of funding between the State and CAAG office. Clerk Kerlock stated that all funding is administered through CAAG and the difference is a percent which is paid to the state for their administrative duties which they handled on behalf of this funding like the environmental review, etc. Council Member Bracamonte made the motion to amend the amount of funding of the previous IGA agreement and approve IGA Amendment No. One, with an increase of funding for this project. Council Member Carter seconded the motion and it was carried unanimously.

9. LEGAL

A. Review one-way Street Map

Town Attorney Flake stated that the memo and map, which will be mailed to Winkelman Citizens meets his approval.

10. DEPARTMENTAL REPORT

A. Administration

- CAAG's Seventh annual Legislative Day, invitation to participate. Vice-Mayor Hinojos stated that this is an open invitation to all council members and staff. Anyone wanting to attend should contact the CAAG office.

B. Fire Department - Acting Fire Chief Bravo reported enrollment of one new member. Chief Bravo asked, "what procedure needs to be taken to recruit town employees as firefighters?" The town employees are in town eight hours, five days a week and could respond to a fire before some of the other volunteer members. Most of the firefighters work during the day and most of the time are not able to respond to these fire calls. Vice-Mayor Hinojos stated that he should communicate with the town employees and if they are willing to become volunteer firefighters, the town council had no problem with the town employees responding to a fire call when no other firefighters are available.

Fire Chief Bravo also stated that his brother Estanislado Bravo had lent out two gasoline containers to the fire department, but were never returned to Mr. Bravo. Council Member Bracamonte stated that the town should reimburse or purchase two new containers for Mr. Bravo.

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C. Magistrate Division - Council Members reviewed the reports.

D. Parks & Recreation Department - Clerk Kerlock reported that American Fence Company submitted a quote for the purchase of chain link fencing as requested by Public Works Supervisor, Art Monterde. The fence will be used to build two dugouts adjacent to the new softball field and the installation of a security fence around the water well. Council Member Bracamonte made the motion to authorize the purchase of the chain-link fence in the amount of \$1,418.02. Council Member Carter seconded the motion and it was carried unanimously.

Council members reviewed the proposed park user fees for the softball field and RV Park Space. Council members approved the \$25.00 per team charge for use of the softball field. The concession building user fee of \$10.00 per day plus a \$100.00 refundable cleaning deposit.

Council Member Bracamonte requested, from the town clerk to obtain the softball park electric light rate per hour. Clerk Kerlock stated that Arizona Public Service would have this information.

E. Police Department - Council Member Carter reported that two officers had resigned from the Hayden Police Department. The department is in the process of replacing the positions.

F. Animal Control - Council Members review the report and no comments were made.

G. Sanitation - no report or comments.

H. Street Division - Vice-Mayor Hinojos again reported that the contractors had not repaired the section of pavement on Lobo Lane and 5th Street at the stop sign. Clerk Kerlock stated that she would report this to Larry Villalobos, CAAG Planner, who will in turn contact the contractor to get this repaired.

I. Wastewater Treatment Plant - no report or comments.

11. CALL TO PUBLIC

No public comments were made.

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12. CLAIM NO. 007, JANUARY BILLS

Council Member Bracamonte made the motion to authorize payment of this claim as presented. Council Member Carter seconded the motion and it was carried unanimously.

13. ADJOURNMENT

With no other business at hand Council Member Bracamonte made the motion to adjourn this meeting at 8:15 p.m. Council Member Carter seconded the motion and it was carried unanimously.

MINUTES RECORDED BY:

Sylvia Kerlock
Sylvia Kerlock, Town Clerk

CERTIFICATION

I hereby certify that the foregoing Minutes is a correct copy of the Minutes of the Regular Council Meeting of the Town of Winkelman, Arizona held on the 13th day of January 2003. I further certify that this meeting was duly called and held and that a quorum was present.

Sylvia Kerlock January 14, 2003
Clerk Date

APPROVAL OF THE TOWN OF WINKELMAN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the _____ and declare this agreement to in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 13th day of January, 2003

J Dee Flaherty

Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

TERRY GODDARD
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-1514TRN (JPA 01-114 Amendment #1), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED January 28, 2003.

TERRY GODDARD
Attorney General

A handwritten signature in cursive script that reads "Susan Davis".
SUSAN E. DAVIS
Assistant Attorney General
Transportation Section